

ADOPTED 2005 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001**OPERATING AUTHORITY & PURPOSE**

Pursuant to Wisconsin Statutes Section 978.05, the District Attorney of Milwaukee County has the following duties:

- A. In the Circuit Courts of Milwaukee County having jurisdiction for ADULT MATTERS – Prosecutes all criminal actions; prosecutes all State forfeiture actions, County traffic actions and actions concerning violations of County ordinances which are in conformity with State criminal laws; participates in John Doe or other investigative proceedings; issues subpoenas and other processes to compel the attendance of witnesses; upon the request and under the supervision and direction of the Attorney General, briefs and argues all criminal cases brought by appeal or writ of error to the Court of Appeals or Supreme Court; handles all appeals

or proceedings if the case is decided by a single Court of Appeals judge; institutes, commences, or appears in certain civil actions or special proceedings as set forth in Wisconsin Statutes Section 978.05(6).

- B. In the Circuit Courts of Milwaukee County having jurisdiction for JUVENILE MATTERS – Represents the public's interest at the Children's Court Center for matters including children alleged to be delinquent, to have violated civil laws or ordinances, to be in need of protection or services or who are developmentally disabled, mentally ill, alcoholic or drug dependent; and initiates and defends appeals and prosecutes termination of parental rights actions.

BUDGET SUMMARY				
Account Summary	2003 Actual	2004 Budget	2005 Budget	2004/2005 Change
Personal Services (w/o EFB)	\$ 7,932,540	\$ 8,046,927	\$ 8,341,950	\$ 295,023
Employee Fringe Benefits (EFB)	3,068,750	4,482,324	4,766,733	284,409
Services	2,597,336	2,593,623	2,678,397	84,774
Commodities	97,432	112,384	113,880	1,496
Other Charges	0	160,313	0	(160,313)
Capital Outlay	19,064	0	18,654	18,654
County Service Charges	2,865,123	2,955,600	2,578,922	(376,678)
Abatements	(3,320,577)	(3,434,790)	(3,040,001)	394,789
Total Expenditures	\$ 13,259,668	\$ 14,916,381	\$ 15,458,535	\$ 542,154
Total Revenues	\$ 7,219,532	\$ 7,118,401	\$ 7,619,942	\$ 501,541
Direct Property Tax Levy	\$ 6,040,136	\$ 7,797,980	\$ 7,838,593	\$ 40,613

ADDITIONAL COSTS NOT INCLUDED IN TAX LEVY*				
Account Summary	2003 Actual	2004 Budget	2005 Budget	2004/2005 Change
Central Service Allocation	\$ 228,548	\$ 122,205	\$ 175,924	\$ 53,719
Courthouse Space Rental	1,060,656	1,027,420	970,151	(57,269)
Document Services	63,272	90,650	7,747	(82,903)
Tech Support & Infrastructure	352,658	566,085	581,609	15,524
Distribution Services	10,784	9,738	8,375	(1,363)
Telecommunications	98,920	51,712	44,400	(7,312)
Records Center	74,814	66,520	76,987	10,467
Radio	8,390	7,342	7,638	296
Personal Computer Charges	192,556	115,061	164,160	49,099
Applications Charges	337,831	424,658	10,813	(413,845)
Total Charges	\$ 2,428,429	\$ 2,481,391	\$ 2,047,804	\$ (433,587)
Direct Property Tax Levy	\$ 6,040,136	\$ 7,797,980	\$ 7,838,593	\$ 40,613
Total Property Tax Levy	\$ 8,468,565	\$ 10,279,371	\$ 9,886,397	\$ (392,974)

* These costs are included in other departmental and non-departmental budgets. They are reflected here to show the "total" amount of tax levy support for this Department.

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PERSONNEL SUMMARY				
	2003 Actual	2004 Budget	2005 Budget	2004/2005 Change
Personal Services (w/o EFB)	\$ 7,932,540	\$ 8,046,927	\$ 8,341,950	\$ 295,023
Employee Fringe Benefits (EFB)	\$ 3,068,750	\$ 4,482,324	\$ 4,766,733	\$ 284,409
Position Equivalent (Funded)*	161.2	161.0	161.6	0.6
% of Gross Wages Funded	92.5	95.2	95.0	(0.2)
Overtime (Dollars)**	\$ 132,148	\$ 170,208	\$ 170,208	\$ 0
Overtime (Equivalent to Positions)	2.8	4.6	3.9	(0.7)

* For 2003, the Position Equivalent is the budgeted amount.

** Delineated for information. (Also included in personal services.)

PERSONNEL CHANGES				
Job Title/Classification	Action	Number of Positions/ Total FTE	Division	Cost of Positions (Excluding Fringe Benefits)
Clerical Assistant 1	Abolish	1/1.0	Victim/Witness Unit	\$ (27,662)
Paralegal (Exempt)	Abolish	1/1.0	HIDTA Unit	(37,834)
Comm Supp Coord CES FIRE	Abolish	1/1.0	Operation Ceasefire	(44,584)
Investigator DA	Create	1/1.0	White Collar Crime	48,550
			TOTAL	\$ (61,530)

MISSION

The mission of the Milwaukee County District Attorney's Office is to promote public peace and safety by just and vigorous prosecution; to seek and do impartial justice by ensuring that the guilty are punished and the innocent go free; to protect the health and welfare of children who are victims of child abuse and neglect; and to safeguard the rule of law and promote citizens' participation in law enforcement by treating all persons who come in contact with the criminal justice system with fairness, dignity and respect.

DEPARTMENT DESCRIPTION

District Attorney Functions. Plans and organizes for the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County. Recruits and staffs all professional positions and makes major assignments of personnel and cases. Coordinates and supervises all department activities and approves and maintains control over all departmental policies, procedures and activities. Directs the Organized Crime and White Collar Crime Unit, and supervises the Firearms Unit and Community Prosecution program.

Program Statistics	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	8
Assistant District Attorneys	10

Chief Deputy District Attorney Functions. Supervises all division functions; oversees the implementation of all departmental policies and procedures. Supervises liaison with other County officials and departments; city, State and Federal officials and law enforcement agencies and community groups. Oversees the office legal intern program and coordinates legal training and education for office prosecutors. Serves as office liaison to the Legislature, and initiates and reviews proposals for criminal and juvenile law legislation.

Misdemeanor Division. Staffs all misdemeanor courts, presents evidence and argues motions and plans and conducts jury and court trials for all misdemeanor and applicable ordinance violations in Milwaukee County. Conducts pretrial hearings and insures application of uniform negotiation policies in

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misdemeanor cases. Directs and supervises the misdemeanor team and the Domestic Violence Unit. Develops and maintains systems to insure the highest quality of prosecution and speedy disposition of misdemeanor cases. Initiates and defends appeals before one judge in the Court of Appeals; acts as liaison with the Attorney General on appeals before three judge panels in the Court of Appeals and the Supreme Court. Supervises the extradition of defendants from other states on Milwaukee County felony charges and handles all proceedings in Milwaukee County Circuit Court relating to the extradition of defendants or witnesses.

Misdemeanor Program Statistics	
Cases in 2003	25,124
Deputy District Attorneys	1
County Staff	37.5
Assistant District Attorneys	35

Administrative Division. Administers the Department's State and County budgets and fiscal systems; develops and coordinates grants and revenues; controls the expenditure of funds; supervises internal management, including facilities, inventory, purchasing, systems and procedures, record management and statistics; organizes staff; directs and coordinates all clerical functions; supervises the Affirmative Action program; conducts long-range planning; maintains liaison with the administrative and fiscal personnel of the State, Milwaukee County, law enforcement agencies and other governmental organizations and directs the Family and Public Welfare Unit and the Victim/Witness Services Unit.

Administrative Program Statistics	
Deputy District Attorneys	1
County Staff	56
Assistant District Attorneys	3

Felony Division. Staffs all criminal courts; presents evidence, argues motions, plans and conducts jury and court trials for all felony violations in Milwaukee County; conducts pretrial hearings and insures the application of uniform negotiation policies on felony cases; contains the Homicide, Drug, Sensitive Crimes, Sensitive Crimes Victim Witness Services and Felony Team Units; works to insure the highest quality of prosecution and speedy disposition of felony cases; approves consolidation of cases with other counties and disposes of cases where persons

wanted in Milwaukee County are detained in penal institutions outside of Milwaukee County.

Felony Program Statistics	
Cases in 2003	7,272
Deputy District Attorneys	1
County Staff	38.5
Assistant District Attorneys	44

Juvenile Division. Reviews all referrals for possible delinquency prosecution and orders additional investigations if required; provides legal advice to Children's Court staff; drafts and files petitions to declare juveniles delinquent or in need of protection and services (CHIPS) under Chapters 48 and 938, Wisconsin Statutes; prepares and argues waivers of jurisdiction from Children's Court to Adult Court; prosecutes all delinquency and CHIPS actions in the Children's Court of Milwaukee County; reviews and prosecutes all matters involving termination of parental rights in the Children's Court of Milwaukee County; conducts a continuing education and information program for law enforcement personnel, social services agencies, child protection social workers and citizens on latest developments and practices in juvenile law; and directs the Victim/Witness Services Unit of the Children's Court Center, including the witness notification and subpoena functions.

Juvenile Program Statistics	
Cases in 2003	5,083
Deputy District Attorneys	1
County Staff	38
Assistant District Attorneys	31.5

State Prosecutors and the County Payroll and Benefit System. The District Attorney's budget reflects the 20 Assistant District Attorneys who elected to remain in the Milwaukee County Employee Retirement System and retained County fringe benefits when District Attorneys became State employees on January 1, 1990. In addition, there are 14 Assistant District Attorneys on the State payroll who retained County fringe benefits. The budget reflects County payments to prosecutors on the County payroll and State reimbursement for these payments as well as the actual County cost of fringe benefits provided to the 34 prosecutors with County fringe benefits.

ADOPTED 2005 BUDGET**DEPT:** DISTRICT ATTORNEY**UNIT NO.** 4500**FUND:** General - 0001**CHARGES FROM THE STATE**

Charges from the State for prosecutors increase \$72,814, from \$2,212,580 to \$2,285,394, for the salaries and fringe benefits of 31.5 full-time equivalent Assistant District Attorneys whose positions are offset with Federal and State grant

revenue. The District Attorney receives the revenue for these positions and passes the revenue to the State. Of the \$4,736,810 received by the District Attorney for State and Federal grants, \$2,285,394 is passed to the State for prosecutor costs.

CHARGES FROM THE STATE				
Charges from the State	Number of ADAs	2004 Budget	2005 Budget	2004/2005 Change
MMDEG Grant	5.0	\$ 370,750	\$ 397,150	\$ 26,400
Prosecution of Drug Crimes Grant	3.0	291,300	294,800	3,500
Child Support Prosecutor	1.0	61,977	70,134	8,157
State CHIPS TPR Grant	9.5	616,800	646,150	29,350
Federal Block Grant	1.0	117,756	72,200	(45,556)
State Violence Against Women Act Grant	1.0	61,818	61,880	62
Federal Violence Against Women Act Grant	5.0	298,570	320,240	21,670
High Intensity Drug Trafficking Area Grant	5.0	341,859	368,936	27,077
Juvenile Accountability Incentive Block Grant	1.0	51,750	53,904	2,154
TOTAL	31.5	\$ 2,212,580	\$ 2,285,394	\$ 72,814

Revenue from State grants for 2005 is comprised of six programs that are detailed in the following table.

STATE GRANTS			
State Revenue Programs	2004 Budget	2005 Budget	2004/2005 Variance
Victim/Witness	\$ 1,134,346	\$ 1,203,100	\$ 68,754
Victim of Crimes Act (VOCA)	303,100	324,000	20,900
Special Prosecution Courts' Clerks	191,900	192,900	1,000
CHIPS-Termination of Parental Rights State Contract	977,785	1,069,800	92,015
State Violence Against Women Act	201,600	220,780	19,180
Operation Ceasefire	82,300	83,500	1,200
TOTAL	\$ 2,891,031	\$ 3,094,080	\$ 203,049

The Victim/Witness program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, will consist of 34.5 full-time equivalent positions in 2005: 3.5 Victim/Witness Coordinators, 25 Victim/Witness Advocates, one Sexual Assault Victim Advocate and four clerical personnel. Wisconsin Statutes, Section 950.06 provides that the State can reimburse counties for up to 90 percent of costs of their victim/witness programs. Historically, the reimbursement rate has ranged from 64 to 90 percent. For 2005, a reimbursement rate of 58 percent is included. This is a decrease of two percent from 2004.

Victim Of Crime Act (VOCA) will provide funding for seven positions in 2005: four Victim/Witness Advocates assigned to the Crisis Response Unit and three Assistant Sensitive Crimes Victim Advocates in the Sensitive Crimes Victim Services Unit. The Wisconsin Department of Justice, Office of Crimes Victims Services, provides 80 percent reimbursement for these positions and operating expenses through VOCA.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 4.5 clerical personnel who work on homicide, sexual assault and felony drug cases. Grant revenue is collected by the Clerk of Circuit

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Court from a \$3.50 fee levied on civil case filings pursuant to Wisconsin Statutes Section 814.635(1m).

The Termination of Parental Rights grant will provide continued funding for 9.5 Assistant District Attorneys, four Paralegals, two Secretarial Assistants and one Clerical Assistant 2 under a State contract with the Department of Health and Family Services, Division of Children and Family Services.

The State Violence Against Women Act (VAWA) formula grant for domestic violence and sexual

assault prosecutions will provide funding for one Assistant District Attorney, one Victim/Witness Advocate, one Assistant Sensitive Crimes Victim Advocate and two hourly Process Servers.

Operation Ceasefire provides funding under Wisconsin Statutes, Section 978.139(1) (d) for two Secretarial Assistants in the District Attorney's Firearms Unit. Effective July 1, 2003, funding for these two positions will be provided by the \$3.50 fee levied on civil case filings pursuant to Wisconsin Statutes Section 814.635(1m).

Revenue from Federal grants for 2005 is comprised of five programs that are detailed in the following table.

FEDERAL GRANTS			
Federal Revenue Programs	2004 Budget	2005 Budget	2004/2005 Variance
Prosecution of Drug Crimes Grants	\$ 291,300	\$ 294,800	\$ 3,500
Local Law Enforcement Block Grant	102,804	64,980	(37,824)
HIDTA	813,896	794,600	(19,296)
VAWA Judicial Oversight Grant	438,000	488,350	50,350
U.S. Attorney Ceasefire Coordinator	66,726	0	(66,726)
TOTAL	\$ 1,712,726	\$ 1,642,730	\$ (69,996)

The Prosecution of Drug Crimes grant provides 100 percent funding with Federal Byrne anti-drug abuse funds for three Assistant District Attorneys assigned to the Metropolitan Drug Enforcement Group.

The Local Law Enforcement Block Grant provides 90 percent funding for the salary and fringe benefits of one Assistant District Attorney assigned to expediting the handling of felony cases.

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant provides 100 percent funding from the Office of National Drug Control Policy (ONDCP) for five Assistant District Attorneys, one Clerical Assistant 1, one Clerical Specialist, an Intelligence Analyst, the HIDTA Director, a Coordinator that serves as the HIDTA Deputy Director and an Administrative Assistant 2.

The VAWA Judicial Oversight grant, which is administered by the Clerk of Circuit Court, will provide funding for five Assistant District Attorneys and three Victim/Witness Advocates. Two of the assistants will staff a commissioner's court, and the other two assistants will vertically prosecute selected

felony domestic violence cases. This grant includes payments to Sojourner Truth House and Asha to provide counseling services to victims of domestic violence on weekends in the District Attorney's charging unit in Room 110 of the Criminal Justice Facility and funding an account for travel to approved conferences.

The U.S. Attorney's Office – Operation Ceasefire - Funding for the position of Program Coordinator ended in January of 2004. The position is abolished in 2005.

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CHARGES TO OTHER COUNTY AGENCIES				
Department	Program	2004 Budget	2005 Budget	2004/2005 Change
Child Support	Prosecution for Failure to Provide Support to a Child	\$ 118,438	\$ 148,266	\$ 29,828
Health & Human Serv	First Offenders Program	54,972	58,977	4,005
Health & Human Serv	Juvenile Accountability and Incentive Grant (JAIBG)	51,750	53,904	2,154
Sheriff's Department	Metro Drug Grant	728,239	731,050	2,811
TOTAL		\$ 953,399	\$ 992,197	\$ 38,798

Child Support

Pursuant to Section 948.22 of the Wisconsin State Statutes, individuals may be prosecuted for failure to provide support to a child. The Department of Child Support refers the most egregious cases to the District Attorney for criminal prosecution. The District Attorney crosscharges the Department of Child Support for the services of an Assistant District Attorney on the state payroll that prosecutes criminal child support cases and for the costs of a full time paralegal. The Department of Child Support receives federal reimbursement of 66% for the cost of the positions. The State charges the District Attorney for the costs of the Assistant District Attorney dedicated to child support cases.

Department of Health and Human Services

The costs for the paralegal assigned to the Children's Court Center grant program, the First Offenders Program, is crosscharged to the Department of Health and Human Services to recover grant funding. In addition, the costs for one Assistant District Attorney is charged to the Department of Health and Human Services to recoup grant funding from the Juvenile Accountability and Incentive Grant. DHHS receives this grant funding in its budget.

Sheriff's Department

The Sheriff's Department acts as the lead agency for the Milwaukee Metropolitan Drug Enforcement Group (MMDEG). The District Attorney crosscharges the Sheriff for the costs of five Assistant District Attorneys, five County employees assigned to the MMDEG and operating expenses.

BUDGET HIGHLIGHTS

- Personal Services expenditures without fringe benefits increased by \$295,023 from \$8,046,927 to \$8,341,950. Funded positions increase .6, from 161.0 to 161.6.

- \$48,550 Create 1 Investigator DA

One position of Investigator DA is created in the District Attorney's organized crime and white-collar crime unit due to a significant increase in investigations of public corruption and complex economic frauds.

- (\$27,662) Abolish 1 Clerical Assistant 1

Due to discontinuation of grant funding, one vacant position of Clerical Assistant 1 for the Victim/Witness program is abolished.

- (\$37,834) Abolish 1 Paralegal (Exempt)

Due to a decrease in grant funding for the HIDTA program, one position of Paralegal is abolished.

- (\$44,584) Abolish 1 Community Support Coordinator CES FIRE

Funding for this position ended in January of 2004. The 2005 budget abolishes this position.

- The lump sum adjustment for the District Attorney is \$319,776 which is 96 percent of wages and represents a decrease of \$82,116 over 2004.
- The 2005 Budget reflects a zero wage increase for all represented, non-represented and Executive Compensation Plan (ECP) positions. In addition, ECP positions are not provided step increases or performance awards in 2005 as allowed in County Ordinance Section 17.265 (3).
- All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be

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authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation

incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is jointly and severally liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."

ACTIVITY AND STATISTICAL SUMMARY				
<u>Description</u>	<u>2003 Budget</u>	<u>2003 Actual</u>	<u>2004 Budget</u>	<u>2005 Budget</u>
<u>Major Offenses Reported to Police</u>				
Violent Crimes	6,200	5,933	6,400	6,000
Property Crimes	<u>53,500</u>	<u>53,320</u>	<u>53,500</u>	<u>53,500</u>
Total Major Offenses	59,700	59,253	59,900	59,500
<u>Milwaukee County Arrests</u>				
Juvenile Arrests	27,500	30,593	29,500	30,000
Adult Arrests	<u>76,000</u>	<u>87,785</u>	<u>80,000</u>	<u>85,000</u>
Total Arrests	103,500	118,378	109,500	115,000

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS			
	<u>2001</u>	<u>2002</u>	<u>2003</u>
Felony	6,299	6,656	7,272
Misdemeanor	11,380	10,472	10,257
Criminal Traffic	10,177	11,800	14,867
Children in Need of Protective Services (CHIPS)	2,125	2,106	1,179
Juvenile Delinquency	3,264	3,100	3,030
TPR (Termination of Parental Rights)	478	701	874